

1 IN THE HOUSE

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 201

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the fish and game re-  
7 sources of Alaska; providing for a Depart-  
8 ment of Fish and Game and its organizational  
9 structure; providing a code of laws relating  
10 to fish and game; providing for licensing  
11 and prescribing fees thereof; providing  
12 penalties for violations; repealing certain  
13 laws relating to the fish and game resources  
14 of the State; and providing for an effective  
15 date."

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

17 Article I

18 The Department of Fish and Game

19 Section 1. Title of the Act. This Act shall be known and  
20 may be cited as the "Fish and Game Code of Alaska".

21 Sec. 2. Definitions. For the purposes of this Act, the  
22 following shall be construed respectively to mean:

23 (a) "State": the State of Alaska.

24 (b) "Department": the Alaska Department of Fish and  
25 Game.

26 (c) "Board": the Alaska Board of Fish and Game.

27 (d) "Commissioner": the Commissioner of the Alaska  
28 Department of Fish and Game.

29 (e) "Person": the singular or the plural, including

1 individuals, associations, partnerships, or corporations unless  
2 the context otherwise requires.

3 (f) "Fish": all species of marine, anadromous, and  
4 fresh-water fish; amphibians, shellfish, and other invertebrates;  
5 or any of the foregoing that may be found or that may be intro-  
6 duced in the State of Alaska.

7 (g) "Game": all species of birds and mammals, including  
8 feral domestic animals, found or that may be introduced in Alaska,  
9 except domestic birds and mammals; provided, however, that "game"  
10 as herein defined may be classified by regulation as big game,  
11 small game, fur bearers or such other categories as may be deemed  
12 essential for carrying out the intention and purposes of this Act.

13 (h) "Take": taking, pursuing, hunting, fishing, trap-  
14 ping, or in any manner disturbing, capturing, or killing or  
15 attempting to take, pursue, hunt, fish, trap, or in any manner  
16 capture or kill fish or game.

17 (i) "Sport fishing": the taking of or attempting to  
18 take for personal use, and not for sale or barter, any fresh-water,  
19 marine, or anadromous fish by spear or underwater gun or by hook  
20 and line held in the hand, or by hook and line with the line  
21 attached to a pole or rod which is held in the hand or closely  
22 attended, or by other means defined by the Board.

23 (j) "Resident": a person who for the immediately  
24 preceding year has maintained a permanent place of abode within the  
25 State and who has continually maintained his residence in the  
26 State; and in the case of a partnership, association, joint stock  
27 company, trust, or corporation, "resident" shall mean one that has  
28 its main office or headquarters in the State of Alaska; provided,  
29 however, that any member of the military services stationed in the

1 State for a period of twelve consecutive months shall be considered  
2 a resident for the purposes of this Act, and the dependents of  
3 any such member shall likewise be considered residents for the  
4 purposes of this Act.

5 (k) "Non-resident": any citizen of the United States  
6 who does not qualify as a resident as herein defined.

7 (l) "Alien": any person, not a citizen of the United  
8 States, who does not have a petition for naturalization pending  
9 before the district court.

10 (m) "Visitor": any non-resident or alien who is  
11 temporarily sojourning in the State as a visitor or tourist.

12 (n) "Commercial fishing": the taking, fishing for, or  
13 possession of fish, shellfish, or other fishery resources with  
14 the intent of disposing of such fish, shellfish, or other fishery  
15 resources or parts thereof for profit, or by sale, barter, trade,  
16 or in commercial channels.

17 (o) "Commercial fisherman": an individual who fishes  
18 commercially for, takes or attempts to take fish, shellfish, or  
19 other fishery resources of Alaska by any means, and including  
20 every individual aboard boats operated for fishing purposes who  
21 participates directly or indirectly in the taking of the raw  
22 fishery products above mentioned, whether such participation be  
23 on shares or as employee or otherwise; provided, however, this  
24 shall not apply to anyone aboard a licensed vessel merely as a  
25 visitor or guest who does not directly or indirectly participate  
26 in the said taking. The term "commercial fisherman" shall also  
27 include the crews of tenders or other floating craft used in  
28 transporting fish.

29 (p) "Vessel": any floating craft powered, towed,

1 rowed, or otherwise propelled, which is used for delivering, land-  
2 ing, or taking fish within the jurisdiction of the State.

3 (q) "Hunting": the taking of game pursuant to this  
4 Act and the rules and regulations promulgated thereunder.

5 (r) "Trapping": the taking of mammals declared by  
6 regulation to be fur bearers.

7 (s) "Guiding": accompanying, guiding, or assisting  
8 another person to take or photograph game, with the intent of  
9 receiving monetary or material remuneration for such services.

10 (t) "Fur dealing": engaging in the business of buying,  
11 selling, or trading in animal skins. The term shall not apply to  
12 a hunter or trapper selling the animal skins he has legally taken,  
13 or to a person, other than a fur dealer, purchasing animal skins  
14 for his own use.

15 (u) "Fish, fur, or game farming": the business of  
16 propagating, breeding, raising, or producing fish or game in  
17 captivity for the purpose of marketing such fish or game or their  
18 products. The word "captivity" means having the fish or game under  
19 positive control, as in a pen, pond, or an area of land or water  
20 which is completely enclosed by a generally escape-proof barrier.

21 (v) "Taxidermy": the tanning, mounting, processing,  
22 or other treatment or preparation of fish or game, or any part  
23 thereof, for monetary gain, including the receiving of such fish  
24 or game or parts thereof for such purposes.

25 Sec. 3. Department of Fish and Game. The Alaska Department  
26 of Fish and Game referred to in this Act is the Department of Fish  
27 and Game created by the State Organization Act of 1959.

28 Sec. 4. Commissioner of the Alaska Department of Fish and  
29 Game. There shall be a principal executive officer of the Depart-

1 ment to be known as the Commissioner of Fish and Game. The Com-  
2 missioner shall be a qualified executive with knowledge of the  
3 requirements for the protection, management, conservation, and  
4 restoration of the fish and game resources of Alaska. The Commis-  
5 sioner shall be appointed for a term of five years. He shall have  
6 general supervision and control over the Department and may appoint  
7 and employ division heads, enforcement agents, and such technical,  
8 clerical, and other assistants as may be necessary for the general  
9 administration of the Department. He shall be charged with the  
10 duty of managing, protecting, maintaining, improving, and extend-  
11 ing the fish and game resources of Alaska in the interest of the  
12 economy and general well-being of Alaska, and, except as herein-  
13 after provided, shall have all necessary power to accomplish the  
14 foregoing including, but not limited to, the power to delegate  
15 authority to subordinate officers and employees of the Department.

16 The Commissioner shall not be a member of the Board of Fish  
17 and Game, but shall be ex-officio secretary and have the right to  
18 cast tie-breaking votes only.

19 Sec. 5. Compensation, Etc., of Commissioner. The Commis-  
20 sioner shall receive such compensation as may be fixed by law and,  
21 subject to appropriate State travel regulations, shall be reim-  
22 bursed for all actual and necessary traveling and other expenses  
23 incurred by him in the discharge of his official duties.

24 Sec. 6. The Board of Fish and Game: Tenure; Powers. There  
25 shall be a Board of Fish and Game composed of eight members having  
26 a general knowledge of the fish and game resources of the State  
27 and selected without regard to political affiliation or special  
28 interest. They shall be United States citizens and residents of  
29 Alaska as herein defined. The members of the Board shall be

1 appointed by the Governor, subject to confirmation by a majority  
2 of the members of the Legislature in joint session.

3 Each shall serve a four-year term, provided that the first  
4 members appointed hereunder shall serve as follows: two members  
5 shall serve for one year, two for two years, two for three years,  
6 and two for four years, respectively. Initial terms shall date  
7 from the first of February immediately preceding appointment. In  
8 case a vacancy shall occur on the Board, the Governor shall fill  
9 the same by appointment for the unexpired term, which appointment  
10 shall be submitted to the Legislature for confirmation at the next  
11 regular or special session.

12 The Board of Fish and Game shall have rule-making powers, as  
13 hereinafter provided, but shall not have administrative, budgeting,  
14 or fiscal powers, and such administrative, budgeting and fiscal  
15 powers shall reside in the Commissioner of Fish and Game. The  
16 Board may meet at any time on the call of the Commissioner or at  
17 the request of any two of the members.

18 The Board of Fish and Game shall have the authority to make  
19 such rules and regulations as it deems advisable in accord with  
20 the Administrative Procedures Act for (1) the setting apart of  
21 fish and game reserve areas, refuges and sanctuaries in any of  
22 the waters or on any of the lands of Alaska over which it has  
23 jurisdiction, subject to the approval of the Legislature; (2)  
24 establishing open and closed seasons and areas for fish and game;  
25 (3) establishing the means and methods employed in the pursuit,  
26 capture, and transport of fish and game; (4) setting quotas and  
27 bag limits on the taking of fish and game; (5) classifying fish  
28 and game as commercial fish, sport fish, game birds, song birds,  
29 big game animals, fur bearing animals, predators, vermin, or other

1 categories as may be essential for regulatory purposes; (6)  
2 establishing the qualifications for guides and assistant guides,  
3 regulating guide activities, and maintaining a guide register;  
4 (7) establishing, at places in the State designated by the Board,  
5 advisory committees to be composed of persons well informed on  
6 the fish and game resources of the locality. The Board shall set  
7 the number and terms of the members of the advisory committees,  
8 shall delegate one member of each committee as chairman, and shall  
9 empower him, from time to time, to hold public hearings on fish  
10 and game matters. Recommendations from the advisory committees  
11 shall be forwarded to the Board for its consideration. The Com-  
12 missioner shall delegate authority to advisory committees for  
13 emergency closures during established seasons; provided, however,  
14 any authority so delegated or order issued pursuant to this  
15 section may be countermanded and made null and void by the Commis-  
16 sioner. The Board shall establish the necessary rules governing  
17 such closures; (8) engaging in biological research, watershed and  
18 habitat improvement, fish and game management, protection, propa-  
19 gation and stocking; (9) investigating and determining the extent  
20 and effect of predation and competition among fish and game in  
21 Alaska and exercise such control measures as are deemed necessary  
22 to the resources of the State; (10) entering into cooperative  
23 agreements with educational institutions and state, federal, or  
24 other agencies, to promote fish and game research, management,  
25 education, and information and to train men for fish and game  
26 management; (11) prohibiting the live capture, possession, trans-  
27 port, or release of native or exotic fish or game or eggs thereof.

28 For the purpose of administering this above, the Board may  
29 delegate any and all necessary function and authority to the

1 Commissioner who shall act in its behalf. In the event of a  
2 conflict between the Board and the Commissioner on proposed rules  
3 and regulations, public hearings shall be held concerning the  
4 issues in question. If, subsequent to the public hearings, the  
5 Board and the Commissioner continue to disagree, the issue shall  
6 be certified in writing by the Board and the Commissioner to the  
7 Governor who shall make a decision, which decision shall be final.

8       Sec. 7. Removal of Board Members. The Governor may remove  
9 any Board member for inefficiency, neglect of duty, or misconduct  
10 in office by delivering to him a written copy of the charges and  
11 affording such member the opportunity of being heard in person or  
12 through counsel at a public hearing to be held before the Governor  
13 or his designee upon not less than ten days' notice by registered  
14 mail. The member shall have the right to confrontation by and  
15 cross-examination of all witnesses against him. Upon removal as  
16 aforesaid, the Governor or his designee shall file in the proper  
17 State office a complete statement of all charges made against the  
18 member and the findings thereon.

19       Sec. 8. Compensation, Etc., of Board Members. Members of  
20 the Board shall receive for their services compensation at per  
21 diem rates, fixed by the Governor, for each day going to and from  
22 and for each day in actual attendance at meetings of the Board and  
23 at such other meetings or conferences as may be authorized by the  
24 Board. Each member shall also be reimbursed for his expenses in  
25 going to and from such meetings in accordance with State travel  
26 regulations.

27       Sec. 9. Board Meetings. Members of the Board shall meet in  
28 Juneau during the month of April, 1959, or as soon thereafter as  
29 practical and shall organize by electing from their membership a

1 chairman and by adopting a set of bylaws to govern the conduct of  
2 their business. One regular meeting shall be held annually by the  
3 said Board at the capital, and one or more additional meetings at  
4 such times and places within Alaska as the said Board shall select  
5 for the transaction of business. The Board shall maintain its  
6 office at the principal office of the Department.

7 Sec. 10. Quorum. A majority of the members of the Board  
8 shall constitute a quorum for the transaction of business, for the  
9 performance of any duty, and for the exercise of any power; pro-  
10 vided, however, a majority of the full Board membership of eight  
11 members shall be required to carry all motions, regulations and  
12 resolutions.

13 Sec. 11. Powers and Duties of the Commissioner. The Commis-  
14 sioner shall have, but not by way of limitation, the following  
15 powers and duties:

16 (a) Assist the U. S. Fish and Wildlife Service in the  
17 enforcement of federal laws and regulations pertaining to fish  
18 and game;

19 (b) Through the appropriate state agency, acquire by  
20 gift, purchase, or lease, and by other lawful means at his dis-  
21 posal, lands, buildings, water, rights-of-way, or other necessary  
22 or proper real or personal property where to do so would be in  
23 the interest of furthering any of the objectives or purposes of  
24 the Department and Alaska;

25 (c) Design and construct hatcheries, pipe lines, rear-  
26 ing ponds, fishways, and other projects beneficial for the fish  
27 and game resources of the State;

28 (d) Accept money from any person under conditions  
29 requiring the use of such money for specific purposes in the

1 furtherance of the protection, rehabilitation, propagation,  
2 preservation, or investigation of the fish and game resources of  
3 the State or in settlement of any claims for damages to such fish  
4 or game resources;

5 (e) Collect, classify, and disseminate such statistics,  
6 data and information as in his discretion will tend to promote the  
7 objects of this Act;

8 (f) Capture, propagate, transport, buy, sell, or ex-  
9 change any species of fish or game or eggs needed for propagating,  
10 scientific or stocking purposes;

11 (g) Procure insurance, in addition to workmen's compen-  
12 sation insurance, for employees within the Department of Fish and  
13 Game against the injury or death occasioned by special hazards in  
14 connection with their duties;

15 (h) Provide public facilities where necessary or proper  
16 to facilitate the taking of fish or game, and enter into coopera-  
17 tive agreements with any person to effect the foregoing.

18 Sec. 12. Emergency Openings and Closures. Nothing in this  
19 Act shall limit the power of the Commissioner or his authorized  
20 designee, when circumstances so require, to summarily open or  
21 close seasons or areas or to change weekly closed periods on fish  
22 or game by means of emergency orders which shall have the force  
23 and effect of law after field announcement by the said Commissioner  
24 or his authorized designee.

25 Sec. 13. Rules and Regulations as Evidence. Rules and regu-  
26 lations of the Board, and of the Commissioner, including emergency  
27 openings and closures as above defined, shall be admitted as  
28 evidence in the courts of the State in accord with the Administra-  
29 tive Procedures Act.

1           Sec. 14. Limitation of Power. Nothing in this Act shall be  
2 construed to authorize the Department or the Board to change the  
3 amount of fees or licenses.

4           Sec. 15. Organization of the Department. The Commissioner  
5 may, with the approval of the Governor, establish a departmental  
6 Division of Commercial Fisheries, a departmental Division of Sport  
7 Fisheries, a departmental Division of Game, and such other depart-  
8 mental divisions as may be necessary.

9           Sec. 16. Ineligibility for Bounties. It shall be unlawful  
10 for any employee or special hunter of the Department to receive or  
11 attempt to receive any bounty for the killing of any predator, or  
12 to transfer the scalp or other part of any predator to another  
13 person for the purpose of collecting any bounty.

14           Sec. 17. Fish and Game Fund Established. There is hereby  
15 created a revolving "Fish and Game Fund", which shall be used  
16 exclusively (1) to carry out the purposes and provisions of this  
17 Act or any other duties that hereafter may be delegated by the  
18 State Legislature to the Commissioner or the Department; and (2)  
19 to carry out such purposes and objectives within the scope of the  
20 Act as may be directed by the donor of any such funds.

21           Said fund shall be made up of the following moneys and such  
22 other moneys as the Legislature may appropriate, which shall be  
23 deposited and retained therein until expended as hereinafter pro-  
24 vided:

25                   (a) All moneys received from the sale of State sport  
26 fishing and hunting licenses and special permits;

27                   (b) Proceeds received from the sale of furs, skins and  
28 specimens taken by predator hunters and other employees;

29                   (c) All moneys received in settlement of any claim or

1 losses caused by damages to the fish and game resources of the  
2 State;

3 (d) All moneys received from Federal, State, or any  
4 other governmental unit, or private donor for fish and game  
5 purposes;

6 (e) Interest earned upon any moneys in the fund;

7 (f) Moneys from any other sources.

8 Upon authorization of the Commissioner, disbursements from  
9 the fund shall be paid by the proper State officer on presentation  
10 of vouchers signed by the Commissioner, or his authorized repre-  
11 sentative, and approved by the proper State officer.

12 The fund created by this section shall succeed to the moneys  
13 presently in the existing fund created by Section 18, Chapter 63,  
14 SLA 1957. It is the intent of this section to avoid the closing  
15 out of the old fund.

16 Sec. 18. Diversion of Funds Prohibited. No funds accruing  
17 to the State from sport fishing and hunting licenses or permit  
18 fees shall be diverted to any other purpose than the protection,  
19 propagation, investigation, and restoration of sport fish and  
20 game resources and the expenses of administration of the sport  
21 fish and game divisions of the Department.

22 Sec. 19. Transfer of Property and Funds. All appropriations  
23 property and funds under the control of the Alaska Fish and Game  
24 Commission and the Alaska Department of Fish and Game shall be and  
25 hereby are transferred to and placed under control of the Commis-  
26 sioner and Department herein created.

27 Sec. 20. Assent to Provisions of Federal Aid Acts. The  
28 State assents to the provisions of the Federal Aid to Wildlife  
29 Restoration Act of September 2, 1937 (16 U.S.C.A., Sec. 669-669(j)).

1 to the Federal Aid in Fish Restoration Act of August 9, 1950 (16  
2 U.S.C.A., Sec. 777-777(k)), to any amendments, revisions or modifica-  
3 tions of either Federal Act, and to any other Federal Aid Act  
4 which may hereinafter be enacted to benefit Alaska thereunder. It  
5 is desired that the Department participate in any and all of the  
6 Federal Aid programs on the same basis as the other states.

7 Sec. 21. Enforcement Authority. This Act shall be enforced  
8 by the following persons who are hereby declared peace officers of  
9 the State:

- 10 (a) Any employee of the Department duly authorized by  
11 the Commissioner;  
12 (b) Any police officer in the State;  
13 (c) Any other person duly authorized by the Commissioner.

14 It shall be the duty of any of the named persons to arrest  
15 any person committing a violation of this Act, or any rule or  
16 regulation made under authority of this Act, in his presence or  
17 view, and to take such person immediately for examination or trial  
18 before an officer or court of competent jurisdiction.

19 He shall have power to execute any warrant or other process  
20 issued by an officer or court of competent jurisdiction for the  
21 enforcement of the provisions of this Act; and he shall have  
22 authority, with a search warrant, to search any place at any time.  
23 The several judges of the courts having jurisdiction may, upon  
24 proper oath or affirmation showing probable cause, issue warrants  
25 in all such cases.

26 Sec. 22. Power to Search Without Warrant. Any of the named  
27 persons may search without warrant any thing or place so long as  
28 the search is reasonable or is not protected from searches and  
29 seizures without warrant within the meaning of Article I, Section

1 14, of the State Constitution, which specifically enumerates  
2 "persons, houses and other property, papers and effects." However,  
3 before any such search is made a signed written statement by the  
4 person making such search shall be submitted to the person in  
5 control of the property or objects to be searched, and the reason  
6 such search is being conducted. A written receipt shall be given  
7 by the person conducting the search for any property which is  
8 taken as a result of the search. The enumeration of specific  
9 things shall not limit the meaning of words of a general nature  
10 in this section.

11 Sec. 23. Seizure Without Warrant and Confiscation by Court.

12 All guns, traps, nets, fishing tackle, boats, aircraft, automobiles  
13 or other vehicles, sleds, and other paraphernalia used in or in  
14 aid of a violation of this Act, or rule or regulation of the  
15 Department, may be seized, pursuant to any valid search, and all  
16 fish and game, or parts thereof, or nests or eggs of birds, taken,  
17 transported, or possessed contrary to the provisions of this Act,  
18 or rule or regulation of the Department, shall be seized by any  
19 person authorized to enforce this Act. Upon conviction of the  
20 offender or upon judgment of the court having jurisdiction that  
21 the same was taken, transported, or possessed in violation of this  
22 Act or rule or regulation of the Department, all fish and game, or  
23 parts thereof, shall be forfeited to the State and disposed of as  
24 directed by such court, and if sold, the proceeds of the sale shall  
25 be transmitted to the proper State officer for deposit in the  
26 General Fund. All guns, traps, nets, fishing tackle, boats,  
27 aircraft, or other vehicles, sleds, and other paraphernalia seized  
28 under provisions of this Act, or rule or regulation of the Depart-  
29 ment, unless forfeited by order of the court, shall be returned,

1 after completion of the case and the fines, if any, have been paid.

2       Sec. 24. Power to Administer Oaths, Etc. Persons authorized  
3 to enforce this Act are hereby authorized and empowered to admin-  
4 ister to or take from any person, an oath, affirmation, or affi-  
5 davit when such oath, affirmation, or affidavit is for use in any  
6 prosecution or proceeding under or in the enforcement of this Act.

7       Sec. 25. Public Nuisances. All nets, seines, lanterns,  
8 snares, devices, contrivances, and materials while in use, had and  
9 maintained, for the purpose of catching, taking, killing, attract-  
10 ing, or decoying any fish or game, contrary to law or rule or reg-  
11 ulation of the Department, are public nuisances and subject to  
12 abatement as such.

13       Sec. 26. Burden of Proof. The possession of any fish or  
14 game or parts thereof, or any nest or egg of any bird during the  
15 time the taking of it is prohibited, shall, in any action, con-  
16 stitute prima facie evidence that it was taken, possessed, bought,  
17 sold or transported in violation of the provisions of this Act,  
18 and the burden of proof shall be upon the possessor or claimant of  
19 it to overcome the presumption of illegal possession and to es-  
20 tablish the fact that it was obtained and is possessed lawfully;  
21 provided, however, that the burden of proof and the rule of prima  
22 facie evidence set forth in the first part of this section shall  
23 not obtain (a) during the first full ten days after the time  
24 when any taking is prohibited, or (b) if the fish or game or parts  
25 thereof are found to be in a preserved condition, whether frozen,  
26 smoked, canned, salted, pickled or otherwise.

27       Sec. 27. Wanton Waste. It shall be unlawful for any person  
28 wantonly to waste or unnecessarily destroy any fish or game taken  
29 or caught in the waters or on the land of the State of Alaska;

1 provided, however, that this shall not apply to fish or game which  
2 the Department declares by regulation to be of a destructive,  
3 noxious or nuisance character.

4       Sec. 28. Certain Acts Made Unlawful. Unless and except as  
5 permitted by this Act or by regulations made pursuant to this Act,  
6 it shall be unlawful for any person to take, possess, transport,  
7 sell, offer to sell, purchase, or offer to purchase any fish or  
8 game, or any part thereof, or any nest or egg of any fish or game;  
9 and, no person shall knowingly disturb, injure, or destroy any  
10 notice, signboard, seal, tag, aircraft, boat, vessel, automobile,  
11 paraphernalia, equipment, building or other improvement or property  
12 of the Department used in the administration or enforcement of the  
13 provisions of this Act, or any poster or notice to the public  
14 concerning the provisions of this Act, or any regulation adopted  
15 pursuant hereto, or any marker indicating the boundary of any  
16 area closed to hunting, trapping, fishing or other special use  
17 under the provisions of this Act, or shall knowingly destroy,  
18 remove, tamper with, or imitate any seal or tag issued or used by  
19 the Department or attached under its authority to any skin, por-  
20 tion, or specimen of fish or game, or other article for purposes  
21 of identification or authentication in accordance with the pro-  
22 visions of this Act or any regulations adopted hereunder; provided,  
23 that nothing in this Act shall be construed to prevent the collec-  
24 tion or exportation of such fish and game, parts thereof or nests  
25 or eggs of birds for scientific or educational purposes, or of  
26 like fish and game, eggs or birds for propagation or exhibition  
27 purposes under a permit which the Department is hereby authorized  
28 to issue and prescribe the terms thereof; provided, further, that  
29 nothing in this Act shall prohibit any person from taking fish

1 or game during the closed season, in case of dire emergency, for  
2 food. Nothing in this section shall be construed to prohibit  
3 rearing and sale of fish from private ponds or the raising of wild  
4 animals in captivity for food or fur purposes under regulations  
5 promulgated by the Board.

6 Sec. 29. Research by the Federal Government. The Secretary  
7 of the Interior of the United States and his duly authorized  
8 agents may conduct fish cultural operations and scientific investi-  
9 gations in this State in such manner and at such times as may be  
10 jointly considered necessary or proper by the Board and said  
11 Secretary and his duly authorized agents.

12 Sec. 30. Fishways or Hatcheries Required. Every dam or  
13 other obstruction built by any person across any stream frequented  
14 by salmon or other fish shall be provided by such person with a  
15 durable and efficient fishway and a device for efficient passage  
16 for downstream migrants if deemed necessary by the Commissioner,  
17 which fishway or device or both shall be maintained in a practical  
18 and effective manner in such place, form and capacity as the Com-  
19 missioner may approve, for which plans and specifications shall be  
20 approved by the Department upon application to it, and which shall  
21 be kept open, unobstructed, and supplied with a sufficient quantity  
22 of water to freely admit the passage of fish through same.

23 In the event that a fishway over any dam or obstruction is  
24 considered by the Commissioner to be impracticable because of  
25 cost, then the owner of such dam or obstruction, in order to com-  
26 pensate for the loss resulting from such dam or obstruction shall,  
27 at his option: (1) pay a lump sum acceptable to the Commissioner  
28 to the State Fish and Game Fund; (2) convey to the State a site of  
29 a size satisfactory to the Commissioner at such place as may be

1 mutually satisfactory to both parties, and erect thereon a fish  
2 hatchery, rearing ponds, necessary buildings and other facilities  
3 according to plans and specifications to be furnished by the Com-  
4 missioner, secured by good and sufficient bond, to furnish all  
5 water and lights and necessary sums of money to operate and main-  
6 tain said hatchery and rearing ponds; or (3) enter into an agree-  
7 ment with the Commissioner, secured by good and sufficient bond,  
8 to pay to the Alaska Fish and Game Fund such initial money and  
9 make such annual payments of additional money as the Commissioner  
10 may determine are necessary to expand, maintain, and operate  
11 additional facilities at existing hatcheries within a reasonable  
12 distance of such dam or obstruction.

13 The owner of any dam or obstruction who shall fail to comply  
14 with the provisions of this section within a reasonable time as  
15 specified by written notice from the Commissioner shall be guilty  
16 of a misdemeanor, punishable by a fine not to exceed \$1,000.00,  
17 and each day that the owner fails to comply shall constitute a  
18 separate offense.

19 In addition to the penalty above provided, if any such person  
20 be convicted of violating any of the provisions of this section,  
21 the dam or other obstruction managed, controlled or owned by such  
22 person is hereby declared a public nuisance and shall be subject  
23 to abatement as such.

24 Sec. 31. Protection of Fish and Game. In the event that any  
25 person or governmental agency desires to construct any form of  
26 hydraulic project or to use any equipment that will use, divert,  
27 obstruct, pollute or change the natural flow or bed of any river,  
28 lake or stream or that will utilize any of the waters of the State  
29 or materials from any river, lake or stream beds, such person or

1 governmental agency shall notify the Commissioner of such inten-  
2 tion prior to the commencement of construction, and the Commis-  
3 sioner shall acknowledge receipt of such notice by return mail.  
4 If the Commissioner so determines, he shall, in said letter of  
5 acknowledgment, require such person or governmental agency to sub-  
6 mit to him full plans and specifications of the proposed construction  
7 or work, complete plans and specifications for the proper protec-  
8 tion of fish and game in connection therewith, and the approximate  
9 date when such construction or work is to commence, and shall re-  
10 quire such person or governmental agency to obtain the written  
11 approval of the Commissioner as to the sufficiency of such plans  
12 or specifications before construction is commenced. If any  
13 person or governmental agency commences construction on any such  
14 works or projects without first providing plans and specifications  
15 subject to the approval of the Commissioner for the proper pro-  
16 tection of fish and game in connection therewith and without first  
17 having obtained written approval of the Commissioner as to the  
18 adequacy of such plans and specifications submitted for the pro-  
19 tection of fish and game, he is guilty of a misdemeanor. If  
20 any such person or government agency be convicted of violating  
21 any of the provisions of this section and continues construction  
22 on any such work or projects without fully complying with the  
23 provisions hereof, such works or projects are hereby declared  
24 a public nuisance and shall be subject to abatement as such.  
25 The cost of restoring any river, lake or stream to its original  
26 condition shall be borne by the violator and shall be in addition  
27 to any penalty imposed by the court.

28         Provided, that in case of an emergency arising from weather  
29 or stream flow conditions, the Department, through its authorized

1 representatives, shall issue oral permits to a riparian owner for  
2 removing any obstructions or for repairing existing structures  
3 without the necessity of submitting prepared plans and specifica-  
4 tions.

5 Sec. 32. Assumption of Administration and Management by  
6 Alaska. Upon relinquishment of administration and management of  
7 the fish and game resources of Alaska by the Federal Government  
8 to the State, the Commissioner and Board shall assume their  
9 respective controls on behalf of the State of Alaska.

10 Sec. 33. Violations: Misdemeanor: Penalty. Any person  
11 violating any of the provisions of this Act or any rule or regu-  
12 lation promulgated thereunder shall be deemed guilty of a mis-  
13 demeanor and, upon conviction thereof, shall be punished as pro-  
14 vided in Article II or Article III of this Act, whichever is  
15 applicable as determined by the nature of the offense.

16 Sec. 34. Continuation of Regulations, Agreements, Employees,  
17 Etc. All rules, regulations, procedures, policies; funds,  
18 contracts, agreements; employees' positions, accounts, assets,  
19 liabilities, and benefit conditions and amounts, whether vested  
20 or contingent, established in any manner under any Act repealed  
21 by the provisions of this Act are hereby continued except where  
22 inconsistent with the provisions of this Act. Division heads,  
23 together with all employees shall continue in their respective  
24 positions at the pleasure of and until removed by the Commissioner  
25 created herein, or his designee.

26 Sec. 35. Intent and Application of Article. It is the  
27 purpose of this Article to further implement the provisions of  
28 the State Organization Act of 1959 relating to fish and game.  
29 However, in the event the provisions of Sec. 6 and Sec. 7 of this

1 Article are found to be in conflict with the provisions of the  
2 State Organization Act of 1959, then the provisions of Sec. 6 and  
3 Sec. 7 of this Article shall prevail to the extent of the conflict.

4 Sec. 36. Effective Date. This Article shall be effective  
5 from and after April 1, 1959, provided, however, that any part  
6 or parts thereof which conflict with Federal control shall take  
7 effect upon cessation of said Federal control.

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Article II

Licensing of Sport Fishing, Hunting, Etc.

Section 1. Licenses and Tags Required. It shall be unlawful, except as otherwise permitted in this Act, for any person to engage in sport fishing including the taking of razor clams, hunting, trapping, guiding, fur dealing, fish, fur, or game farming, or taxidermy, without having first procured the appropriate licenses or tags as hereinafter provided, and without having such licenses or tags in his actual possession.

Sec. 2. License and Tag Fees.

- (1) Resident sport fishing license . . . . . \$ 5.00
  - (2) Resident hunting license . . . . . 5.00
  - (3) Resident hunting and trapping license . . . 10.00
  - (4) Resident hunting & sport fishing license . .10.00
  - (5) Resident hunting, trapping & sport fishing license . . . . . 15.00
  - (6) Visitor's special sport fishing license -- valid only for ten (10) days after date of issuance . . . . . 5.00
  - (7) Special hunting and fishing for livelihood license . . . . . no fee
- Any person hunting or fishing out of economic necessity and for personal use and consumption only, shall be entitled to secure a "special hunting and fishing for livelihood" license. Regulations to implement this subsection shall be prescribed by the Board.
- (8) Non-resident and alien sport fishing license 10.00
  - (9) Non-resident and alien hunting license . . . 20.00

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(10) Non-resident and alien hunting and sport  
fishing license . . . . . \$25.00

Providing that non-residents or aliens  
may not take big game animals without  
previously purchasing appropriate tags  
as provided for hereinafter, and which  
must be affixed to the animal immediately  
upon taking and remain affixed until the  
animal is prepared for storage, consumed  
or exported.

(11) Non-resident and alien hunting and  
trapping license . . . . . 100.00

(12) Registered guide license . . . . . 50.00

(13) Assistant guide license . . . . . 25.00

Provided that no guide or assistant guide  
licenses may be issued by the Commissioner  
until rules and regulations governing guide  
qualifications and examinations, and the  
general conduct of guiding activities in  
the State are formulated.

(14) Resident fur dealer & taxidermy license . 20.00

(15) Non-resident and alien fur dealer license  
. . . . . 100.00

(16) Fish, fur or game farming license . . . 5.00

(17) Non-resident and alien big game tags:  
Brown or grizzly bear . . . . . 100.00  
Polar bear . . . . . 150.00  
Black bear, deer . . . . . 10.00  
Bison . . . . . 50.00

1 Walrus . . . . . \$100.00

2 Sheep, moose, elk, goats, caribou. . Each 25.00

3 Provided that the Commissioner may issue  
4 to any person without cost permits to col-  
5 lect fish and game, subject to such limi-  
6 tations and provisions as he deems appro-  
7 priate, for scientific or educational purposes.

8 Sec. 3. Expiration of Licenses and Tags. All licenses and  
9 tags required under this Article, except the visitor's special  
10 sport fishing license, shall expire at the close of the 31st day  
11 of December following issuance.

12 Sec. 4. Commissioner Charged with License Issuance.  
13 Licenses and tags herein required shall be issued to any qualified  
14 person by the Commissioner or his duly authorized deputies pur-  
15 suant to written applications containing such reasonable informa-  
16 tion as the Commissioner may require. The Commissioner shall  
17 designate the license and tag forms or types which shall be  
18 sufficient to identify and locate the applicant and establish his  
19 status as to residency and citizenship. Each application shall  
20 be subscribed and sworn to by the applicant before an officer  
21 authorized to administer oaths of the State.

22 The Commissioner may require reports to be made by licensees,  
23 concerning the time, manner, and place of taking fish and game,  
24 the kinds and quantity taken, and such other information as may  
25 be helpful in administering the fish and game resources of the  
26 State.

27 Sec. 5. Commissioner May Appoint Agents. The Commissioner  
28 is hereby authorized to appoint State employees, or other persons  
29 to take applications, issue licenses and tags, and collect fees;

1 provided, however, that the Commissioner shall not be liable for  
2 defalcation or failure to account for the fees so collected by  
3 any such agent, but shall require a bond in such sum as he may  
4 deem adequate, conditioned upon faithfully accounting for all  
5 monies collected. All persons, upon appointment by the Commis-  
6 sioner, as authorized in this section, shall have the authority  
7 to administer oaths on applications for licenses and tags.

8       Sec. 6. Fee for Issuance of Licenses and Tags. Any  
9 person, except salaried employees of the State, appointed and  
10 authorized by the Commissioner to sell licenses and tags, shall  
11 retain the sum of twenty-five cents (25¢) from the fee for the  
12 issuance of each license or tag.

13       Subject to withholding of any compensation herein authorized,  
14 each person selling licenses or tags shall, as soon as practicable  
15 after the last day of each calendar month, transmit the proceeds  
16 from such sales, together with a report thereof, to the Commis-  
17 sioner for deposit into the Fish and Game Fund or the General  
18 Fund, as the case may be.

19       Sec. 7. Violations. Any false statement as to any material  
20 fact in an application for license shall render null and void  
21 the license issued upon it; and any person who shall make any  
22 false statement in such an application shall be guilty of a  
23 violation of this Act.

24       Any person who shall alter, change, loan or transfer to  
25 another person any license or tag issued to him pursuant to this  
26 Act, or any person who shall use any license or tag other than the  
27 one issued to him, shall be guilty of a violation of this Act.

28       Failure to report promptly to regulatory authorities any  
29 violations of this Act within his knowledge or of any fish or game

1 laws or regulations of the department, shall make any licensed  
2 guide or assistant guide guilty of a violation of this Act. Pro-  
3 vided further, that any licensed guide or assistant guide who  
4 aids or abets the commission of any violation of this Act or the  
5 rules and regulations promulgated thereunder or who suffers or  
6 permits the commission of any such violations in his presence or  
7 view, shall be guilty of a violation of this Act.

8       Sec. 8. License Forfeiture. Upon conviction of a person  
9 of a first violation of any provision of this Act or of any  
10 Federal or State law or regulation for the protection of the fish  
11 and game of Alaska, the Court may, in addition to the penalty  
12 imposed by law, forfeit the license of such person. Upon sub-  
13 sequent conviction of any such person of any violation of any  
14 provisions of this Act or of any Federal or State law or regula-  
15 tion for the protection of the fish and game of Alaska, the for-  
16 feiture of such license for a period of not less than two or  
17 more than three years shall be mandatory; provided further that  
18 any licensed guide or assistant guide upon conviction of any  
19 provision of any Federal or State law or regulation for the  
20 protection of the fish or game of Alaska shall have his license  
21 revoked and shall not be eligible for a guide or assistant guide  
22 license for a period of five years from the date of revocation.

23       Sec. 9. Exemptions. No license shall be required of any  
24 resident or non-resident person under the age of sixteen for the  
25 purpose of sport fishing, nor shall a license be required of any  
26 resident under the age of sixteen for hunting or trapping.

27       Sec. 10. Penalties. Any person who violates any provision  
28 of this Article is guilty of a misdemeanor and upon conviction  
29 thereof shall be fined not less than \$25.00 nor more than

1 \$1,000.00 or be imprisoned not more than six months, or both.

2 All monies from fines shall be transmitted by the court to  
3 the proper State officer for deposit in the General Fund of the  
4 State.

5 Sec. 11. Effective Date. This Article shall be effective  
6 from and after July 1, 1959; provided, however, that any part or  
7 parts thereof, which conflict with federal control, shall take  
8 effect upon cessation of such federal control.

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1 Article III

2 Licensing of Commercial Fishermen, Vessels & Gear

3 Section 1. Qualifications for Licenses. No license provided  
4 for in this Article shall be issued to any individual unless he  
5 is a citizen of the United States, or unless he has a petition  
6 for citizenship pending before a U. S. District Court.

7 Sec. 2. Expiration Date for Licenses. All licenses required  
8 under the provisions of this Article shall expire at the close of  
9 the thirty-first day of December following their issuance, and  
10 shall be renewed annually thereafter upon application and payment  
11 of license fees required by this Article.

12 Sec. 3. Issuance of Licenses. Licenses herein required shall  
13 be issued to any qualified person by the Commissioner or his duly  
14 authorized deputies, pursuant to written application accompanied  
15 by the required fee and containing such reasonable information as  
16 may be required by the Commissioner. Such applications shall be  
17 simple in form and be executed by applicants or their respective  
18 agents under the penalties of perjury.

19 Sec. 4. Commissioner May Appoint Deputies. The Commissioner  
20 is hereby authorized to appoint qualified persons as his deputies  
21 to take applications, issue the licenses and collect license fees  
22 under this Article.

23 Sec. 5. Fee for Issuance of Licenses. Any person, except  
24 salaried employees of the State, appointed and authorized by the  
25 Commissioner to sell licenses under this Article shall retain the  
26 sum of 5 per cent of the fee for the issuance of each license.  
27 These deputies shall monthly transmit to the Commissioner all fees  
28 collected by them, less their authorized commissions, together  
29 with a full account of same. The Commissioner shall make monthly

1 remittances of the fees collected to the proper state official.  
2 The Commissioner shall not be liable for defalcation or failure  
3 to account for the fees so collected by any such deputy, but  
4 shall require a bond in such sum as he may deem adequate, con-  
5 ditioned upon faithfully accounting for all moneys collected  
6 hereunder.

7       Sec. 6. Commercial Fishing License. A commercial fishing  
8 license shall be obtained by each and every individual before he  
9 shall become engaged as a fisherman as above defined. The fee for  
10 such license shall be \$10.00 for residents, and \$15.00 for non-  
11 residents.

12       Sec. 7. Vessel License. A license is required for each  
13 and every commercial vessel which delivers or lands fish or  
14 engages in commercial fishing within the State, and shall include  
15 each and every vessel used in charter service for the recreation-  
16 al taking of fish and shellfish. The vessel license shall in-  
17 clude a permanent number plate. The number plate shall be  
18 accompanied by a tab affixed to it designating the year to be  
19 fished.

20       Number plates are not transferable, and shall be considered  
21 a permanent fixture upon the vessel upon which they are original-  
22 ly placed. They shall be securely fastened well forward on the  
23 port side in plain sight. On vessels with a superstructure the  
24 plates shall be fastened on the port side of the superstructure.

25       Upon an annual payment of a license fee of \$10.00 for  
26 residents and \$30.00 for non-residents, provided, however, that  
27 units of fishing gear classified as less than one unit by the  
28 Board shall be licensed at \$5.00 for residents and \$15.00 for  
29 non-residents, and provided further, that such units classified

1 as less than  $\frac{1}{2}$  units shall be licensed at \$3.00 for residents  
2 and \$5.00 for non-residents, and filing of the name and address  
3 of the owner and operator of the vessel, the name and number of  
4 the vessel, a description of the vessel and fishing gear, vessel  
5 license number, if any, areas to be fished, and such other  
6 reasonable information as may be required by the Department, a  
7 number plate and a vessel license shall be issued by the Depart-  
8 ment; provided, however, that if the vessel already possesses  
9 said number plate, a vessel license and tab designating year  
10 shall be issued. The tab shall be placed in the space provided  
11 on the permanent number plate.

12 Number plates shall remain the property of the State. If  
13 such permanent number plate is accidentally defaced, mutilated,  
14 destroyed, or lost, the person owning or operating the vessel  
15 shall immediately make application for and may obtain a duplicate,  
16 upon furnishing the Department with the pertinent facts and a  
17 payment of two dollars (\$2.00).

18 If a vessel carrying number plates is lost, destroyed  
19 or sold, the owner shall immediately report the loss, destruction  
20 or sale to the Department.

21 Sec. 5. Fishing Gear Licenses.

22 (a) Troll Line License. A license is required for  
23 troll lines used in the taking or catching of fish for commercial  
24 purposes in the waters of the State, for which license there shall  
25 be paid a fee of \$15.00 per annum by residents and \$45.00 per  
26 annum by non-residents.

27 For the purposes of this Act, a hand line, jigger line, or  
28 a line that is used with a rod and reel shall also be construed  
29 as a troll line when it is used in the taking or catching of

1 fish for commercial purposes in the waters of the State.

2 (b) Set or Long Line License. A license is required  
3 for set or long lines used in the taking or catching of fish for  
4 commercial purposes in the waters of the State. For each five  
5 hundred hooks, or less, there shall be paid a fee of \$15.00 per  
6 annum by residents and \$15.00 per annum by non-residents, and  
7 for each additional five hundred hooks or less or the equivalent  
8 thereof, or less, there shall be paid a fee of \$5.00 per annum  
9 by residents and \$5.00 per annum by non-residents.

10 (c) Drift Gill Net License. A license is required  
11 for drift gill nets used in the taking or catching of fish for  
12 commercial purposes in the waters of the State, for which such  
13 license there shall be paid a fee of \$10.00 for the first 100  
14 fathoms and \$5.00 for each additional 50 fathoms or fraction  
15 thereof per annum by residents and \$30.00 for the first 100  
16 fathoms and \$15.00 for each additional 50 fathoms or fraction  
17 thereof per annum by non-residents, provided only the maximum  
18 amount of gear fished at one time is licensed, and that the gear  
19 for each vessel must be separately licensed.

20 (d) Set or Stake Gill Net License. A license is  
21 required for each and every set or stake gill net used in the  
22 taking or catching of fish for commercial purposes in the waters  
23 of the State, for which such license there shall be paid a fee of  
24 \$5.00 for the first 50 fathoms and \$5.00 for each additional  
25 50 fathoms or fraction thereof per annum by residents and \$15.00  
26 for the first 50 fathoms and \$15.00 for each additional 50 fathoms  
27 or fraction thereof per annum by non-residents, provided only  
28 the maximum amount of gear fished at one time is licensed.

29 (e) Beach or Drag Seine License. A license is

1 required for each and every beach or drag seine used in the taking  
2 or catching of fish for commercial purposes in the waters of the  
3 State, for which license there shall be paid a fee of \$10.00  
4 for the first 100 fathoms and \$5.00 for each additional 50  
5 fathoms or fraction thereof per annum by residents and \$30.00  
6 for the first 100 fathoms and \$15.00 for each additional 50  
7 fathoms or fraction thereof per annum by non-residents.

8 (f) Purse Seine License. A license is required for  
9 each and every purse seine used in the taking or catching of  
10 fish for commercial purposes in the waters of the State, for  
11 which license there shall be paid a fee of \$40.00 for the first  
12 100 fathoms and \$10.00 for each additional 50 fathoms or frac-  
13 tion thereof per annum by residents and \$120.00 for the first  
14 100 fathoms and \$30.00 for each additional 50 fathoms or frac-  
15 tion thereof per annum by non-residents.

16 (g) Beam Trawl License. A license is required for  
17 beam trawls used in the taking or catching of fish or shellfish  
18 for commercial purposes in the waters of the State, for which  
19 license there shall be paid a fee of \$37.50 per annum by residents  
20 and \$100.00 per annum by non-residents.

21 (h) Otter Trawl License. A license is required for  
22 otter trawls used in the taking or catching of fish or shellfish  
23 for commercial purposes in the waters of the State, for which  
24 license there shall be paid a fee of \$50.00 per annum by residents  
25 and \$150.00 per annum by non-residents.

26 (i) Shellfish Pot License. A license shall be  
27 required for shellfish pots used in the taking or catching of  
28 shellfish for commercial purposes in the waters of the State.  
29 For each 100 pots or less there shall be paid a fee of \$15.00

1 per annum by residents and \$45.00 per annum by non-residents  
2 and for each additional 100 pots or less there shall be paid a  
3 fee of \$15.00 per annum by residents and \$45.00 per annum by  
4 non-residents.

5 (j) Clam Digger's License. A clam digger's license  
6 shall be required of any person digging clams for commercial  
7 purposes from the waters or beaches of the State. The fee for such  
8 license shall be \$5.00 for residents, and \$15.00 for non-residents.

9 Sec. 10. License Possession Requirements. The commercial  
10 fishing license shall be carried on the individual whenever such  
11 individual is engaged as a fisherman as above defined.

12 All fishing gear licenses issued under the provisions of  
13 this Article shall be non-transferable, and it shall be unlawful  
14 for any gear which is licensed as herein specified to be operated  
15 or caused to be operated by any person other than the licensee  
16 or agent or employee of the licensee. In the event the operator  
17 of the gear is a non-resident, the gear shall be required to be  
18 licensed as non-resident gear and the fees provided for non-resi-  
19 dents shall be paid for such license, provided that, for the  
20 purposes of this Act, the "operator" shall mean the individual  
21 by law made responsible for the operation of the vessel. All  
22 licenses for fishing gear issued under the provisions of this  
23 Act shall be carried in the possession of the licensee or author-  
24 ized representative of the licensee who shall be in charge of the  
25 operation of such gear.

26 Sec. 11. Unlawful Purchases: Records Required. It shall  
27 be unlawful for any person, or for the agent or representative of  
28 any person, to have in his employ any fisherman who is not duly  
29 licensed under Section 6 of this Article or to purchase fish from

1 any fisherman who is not so licensed. Each buyer of the fish  
2 shall keep a record of each purchase showing name or number of  
3 vessel from which the catch involved is taken, date of landing,  
4 vessel license number, pounds purchased of each species, number  
5 of each species, where possible, statistical area in which the  
6 fish were taken, and such other information as the Department  
7 may require. Such records may be kept on forms provided by the  
8 Department, but must be kept in any event, and each person charged  
9 with keeping such records must report same to the Department in  
10 accordance with rules and regulations promulgated by it. Anyone  
11 violating any of the provisions of this section shall be guilty  
12 of a misdemeanor, and upon conviction, punishable under the  
13 penalty clause of this Act.

14 Sec. 12. License Forfeiture. Upon both first and second  
15 convictions of a person for a violation of any provision of  
16 this Article or of any Federal or State law or regulation for  
17 the protection of the commercial fish of Alaska, the Court may,  
18 in addition to the penalty imposed by law, forfeit the commercial  
19 fishing license of such person for a period of one year. Upon  
20 a third conviction of any such person of any such violation, the  
21 forfeiture of such license for a period of not more than three  
22 years shall be mandatory.

23 Sec. 13. Penalties. Any person who violates any provision  
24 of this Article or the rules and regulations pertaining to com-  
25 mercial fisheries, is guilty of a misdemeanor and upon conviction  
26 thereof shall be subject to a fine of not exceeding \$3,000.00 or  
27 imprisonment not to exceed one year or both such fine and im-  
28 prisonment.

29 All monies from fines shall be transmitted by the Court to  
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1 the proper state officer for deposit in the General Fund of the  
2 State.

3 Sec. 14. Effective Date. This Article shall be effective  
4 from and after January 1, 1960; provided, however, that any part  
5 or parts thereof, which conflict with federal control, shall take  
6 effect upon cessation of such federal control.

#### 7 Article IV

#### 8 Repeal Schedule and Effective Date

9 Section 1. Repeal Schedule. Chapter 63, SLA 1957;  
10 Chapter 122, SLA 1957; Chapter 98, SLA 1955; Chapter 67, SLA  
11 1953; Chapter 6, SLA 1951; Chapter 66, SLA 1949; Section 35-1-11,  
12 Subsection 7(i),(j), ACLA 1949; those portions of Sections 191  
13 through 250p, 48 U.S.C.A. which constitute "Territorial laws"  
14 under Section 8(d) of Public Law 85-508, 72 Stat. 345, and all  
15 acts or parts of acts in conflict with the provisions of this  
16 Act, are hereby repealed, provided, however, that this repeal  
17 shall not be so construed as to prevent the adoption by regulation  
18 of any section or sections, part or parts, of the acts herein  
19 repealed so long as such regulations are consistent with existing  
20 law and with the State Constitution.

21 Sec. 2. Effective Date. This Act shall be effective from  
22 and after April 1, 1959, provided, however, that Article II  
23 shall be effective from and after July 1, 1959; Article III  
24 shall be effective from and after January 1, 1960; provided,  
25 however, that any part or parts of this Act which conflict  
26 with Federal control shall take effect upon cessation of such  
27 federal control.

TABLE 1. GEAR, LICENSE FEES, AND COLLECTIONS.

<u>LICENSES</u>	<u>NUMBER</u>			<u>LICENSE FEES</u>		<u>TOTAL</u>		
	<u>Res.</u>	<u>Non-Res.</u>	<u>Total</u>	<u>Res.</u>	<u>Non-Res.</u>	<u>Res.</u>	<u>Non-Res.</u>	<u>Total</u>
1. Personal Commercial Fishing	7,900	5,400	13,300	\$10.00	\$20.00	\$79,000	\$108,000	\$187,000
2. Boat Registration	3,480	2,520	6,000	10.00	20.00	34,800	50,400	85,200
3. Troll Line	1,670	280	1,950	15.00	30.00	25,050	8,400	33,450
4. Set or Long Line	50	200	250	15.00	30.00	750	6,000	6,750
5. Drift Gill Net <sup>1</sup>	<u>3,500<sup>3</sup></u>	<u>2,500</u>	<u>6,000</u>	\$10 & \$5 <sup>4</sup>	\$20 & \$10	48,860	70,800	119,660
	488,000	354,000	842,000					
6. Set or Stake Net <sup>1</sup>	(2)			\$10 & \$5 <sup>4</sup>	\$20 & \$10			
7. Beach or Drag Seine <sup>1</sup>	<u>130<sup>3</sup></u>	<u>90</u>	<u>220</u>	\$10 & \$5 <sup>4</sup>	\$20 & \$10	1,570	2,280	3,850
	15,700	11,400	27,100					
8. Purse Seine <sup>1</sup>	<u>700<sup>3</sup></u>	<u>500</u>	<u>1,200</u>	\$40 & \$20 <sup>5</sup>	\$80 & \$40	55,760	66,240	122,000
	114,400	32,800	197,200					
9. Beam Trawl	12	8	20	\$37.50	\$75.00	450	600	1,050
10. Otter Trawl	9	6	15	\$50.00	\$100.00	450	600	1,050
11. Shellfish Pot	95	70	165	\$15.00	\$ 30.00	<u>1,425</u>	<u>2,100</u>	<u>3,525</u>
						\$248,115	\$315,420	\$563,535

Key on Page 2

1. These gear licenses computed on length of net, as explained in license bill and memo.
2. Included with drift gill nets.
3.  $\frac{\text{Top figure}}{\text{Bottom Figure}} = \frac{\text{Number of Boats}}{\text{Fathoms of Nets}}$
4. \$10.00 for first 100 fathoms and \$5.00 for each additional 50 fathoms. Non-Resident double.
5. \$40.00 for first 100 fathoms and \$20.00 for each additional 50 fathoms. Non-Resident double.